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ONE HUNDRED ELEVENTH CONGRESS
**Select Committee on
Energy Independence and Global Warming**
U.S. House of Representatives
Washington, DC 20515

EDWARD J. MARKEY, MASSACHUSETTS
CHAIRMAN

July 6, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

With each passing day, we learn more about BP's negligent and willful misconduct leading to the Deepwater Horizon accident. Media reports abound about reckless cost-cutting measures BP took to save money. According to a recent *Weekly Standard* story, "the decision was made to remove heavy drilling mud and replace it with much lighter sea water. When that happened, the pressure of the column bearing down upon the wellbore no longer exceeded the upward pressure of the buildup of gas in the formation. The wellhead was breached. Then the BOP [Blowout Preventer] failed. End result: blowout, and an environmental as well as human catastrophe."¹

It is impossible to overstate the anger and outrage we all feel toward BP for causing the spill. Thousands of families' lives and livelihoods have been shattered for years and perhaps decades. It is important we understand how this disaster was allowed to happen, and how our government can do a better job of preventing it from reoccurring in the future.

To that end, I commend your decision to establish a National Commission on the BP Deepwater Horizon oil spill. The Commission is tasked with investigating the circumstances leading to the current disaster, offering suggestions to guard against future incidents, and recommending federal regulation and oversight of the off-shore drilling industry.

I am, however, concerned about the individuals you selected to serve on the Commission. Your Executive Order establishing the Commission states members are to be selected from "distinguished individuals, and may include those with experience in or representing the scientific, engineering, and environmental communities, the oil and gas industry, or any other area determined by the President to be of value to the Commission in carrying out its duties."² In reality, it appears that you stacked the Commission with "yes-men" who favor a moratorium on off-shore drilling.

The ban on off-shore drilling has already been overturned in court for being overly broad and lacking justification. While your Administration fights to re-instate the moratorium, people who live along the Gulf of Mexico remain unemployed. According to the Louisiana Department of Economic Development,

¹ Andrew Wilson, *Beyond Pathetic*, *Weekly Standard*, June 28, 2010, available at <http://www.weeklystandard.com/print/articles/beyond-pathetic>.

² White House Press Release, *Executive Order-- National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling*, May 22, 2010, available at <http://www.whitehouse.gov/the-press-office/executive-order-national-commission-bp-deepwater-horizon-oil-spill-and-offshore-dri>.

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the moratorium could cost the State of Louisiana 10,000 jobs this summer and more than 20,000 over the next year and a half.³

Members of the BP Commission include co-chair Bob Graham, who, as a former Florida Senator, was known for his views against drilling for oil off of the state's coast. Commission members also comprise environmentalists who have publicly argued against off-shore oil drilling, with one woman, president of the Natural Resources Defense Council who recently wrote, "America should halt new offshore leasing, exploratory drilling, and seismic exploration."⁴ There's also a board member on the Union of Concerned Scientists, a National Geographic Society executive vice president, and a former president and chairman of the World Wildlife Fund - all organizations renowned for their opposition to off-shore drilling. Moreover, you selected no one to represent the oil and gas industry, and the one woman with an engineering background specializes in physics and optics - fields that hardly seem relevant. The entire BP Commission consists of individuals who are against off-shore oil drilling or have ties to organizations that oppose it.

Presidential commissions can be effective when they are made up of members who have expertise in the subject under investigation and approach their mission in an objective manner. The BP Commission lacks any of these characteristics. Americans want to know what happened at Deepwater Horizon, why it happened, how it can be prevented, and how we can better respond if something like this happens again. Selecting individuals with determined positions will lead to predictable results. Taxpayers are funding a political rubber stamp when we need objective advice.

During your remarks before the National Academy of Sciences last year, you talked about leading "a new effort to ensure that federal policies are based on the best and most unbiased scientific information." You added, "I want to be sure that facts are driving scientific decisions - and not the other way around."

You have a chance right now to put those words into action. I strongly urge you to modify the BP Commission by either replacing some of the members, or adding new ones to bring a balanced perspective to its mission. This would elevate the status of the BP Commission by giving it credibility, which, combined with the subpoena power Congress just authorized, would allow it to do its job more effectively.

Sincerely,



F. James Sensenbrenner, Jr.
Ranking Member
Select Committee on Energy Independence
and Global Warming

³ Anne Mulkern, *Oil Spill: U.S. Chamber Will Press Obama to Lift Drilling Moratorium*, E&E Daily, June 29, 2010, available at <http://www.eenews.net/EEDaily/print/2010/06/29/3>.

⁴ Frances Beinecke, *Three Steps Obama Should Take to Prevent Future Oil Disasters*, NRDC Switchboard, May 4, 2010, available at http://switchboard.nrdc.org/blogs/fbeinecke/three_steps_obama_should_take.html.